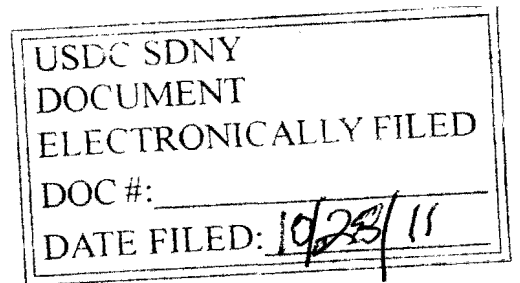


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
In re

DISCOVERY ORDER
10 Civ. 1145 (NRB)

PENTHOUSE EXECUTIVE CLUB
COMPENSATION LITIGATION

-----X
NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE

Having considered the parties' letters to the Court dated September 28, 2011, October 7, 2011, and October 18, 2011 regarding discovery issues, we rule on the parties' requests as follows:

Request

Ruling

Defendants should be permitted to take discovery from all plaintiffs, both named and opt-in.

Defendants may take discovery from the three named plaintiffs and six opt-in plaintiffs of their choosing prior to class certification. If the class is certified, defendants may take discovery from all of the remaining plaintiffs.

Pursuant to their Document Request No. 25, defendants should be provided with communications between plaintiffs and putative class members that do not involve counsel.

These communications are potentially protected by the work-product privilege. Plaintiffs should make them available to the Court for in camera review to enable a determination as to their protected status.

Defendants should be permitted to contact adult entertainment clubs that plaintiffs identify in response to defendants' Interrogatory No. 6.

Request denied.

Pursuant to their Interrogatory Nos. 16 and 17, Defendants should be provided with the identities of all individuals with whom plaintiffs have spoken regarding (1) the lawsuit and (2) joining the action.

Pursuant to their Document Request No. 38, plaintiffs should be provided with defendants' income tax returns filed during the class period.

Pursuant to their Document Request No. 32, plaintiffs should be provided with defendants' customer information.

Pursuant to their Document Request Nos. 10, 13, 19, 23, 41, and 45, plaintiffs should be provided with significant class-wide discovery.

This information is not analogous to the identities of witnesses. It does not need to be produced by plaintiffs.

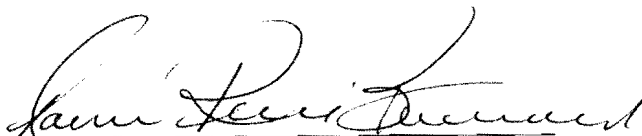
Defendants need not produce their tax returns. The information defendants intend to produce in response to plaintiffs' Document Request No. 37 is sufficient.

Request denied.

Plaintiffs' requests are unduly broad and burdensome. Defendants need only produce the documents they have already agreed to produce, those relating to plaintiffs for the three-year FLSA collective period.

SO ORDERED.

Dated: New York, New York
October 27, 2011


NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE

Copies of the foregoing Order have been mailed on this date to the following:

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